

Politicizing the Union to strengthen the Community method

by Miguel Maduro

Notre Europe launched the debate on the Community method by publishing two Policy briefs¹ on the EU policy-making.

Miguel Maduro² takes a stand: after an analysis of the roots of the Community method's crisis, he suggests to politicise more the Union and the Commission. He compares its proposed system to semi-presidential regimes and calls it "semi-federalism".

1. The roots of the Community method's crisis

The community method is in crisis. It is so for two fundamental reasons.

First, because the institution that most embodies this method (the Commission) is under challenge. On the one hand, the creation of the office of President of the European Council, while legally not affecting the Commission competences, has affected its role as a political actor. Its agenda setter power has decreased by reason of the competition of the President of the European Council in the public sphere and of the delegation on him, by the Council, of roles previously attributed to the President of the Commission. In addition to this, the intergovernmental model has been reinforced by the nature of the crisis that the Union is facing. This crisis required a leadership that only the European Council was in a position to exercise. At the same time, the European Parliament has made an aggressive use of its increased powers to increase its clout over the Commission. This puts the Commission in a difficult situation: while Parliament would like the Commission to be its executive, the European Council role might risk transforming the Commission into a purely secretariat of the European Union or a big regulatory agency.

But the Community method is in crisis for another reason, which is linked to a deeper crisis of legitimacy of the process of European integration. The EU relationship with power and democracy has been based on an attempt to insulate EU policies from politics. The EU legitimacy was conceived as mostly technocratic (with the Community method at its core) while democratic support would come from the national political spheres. This was dependent on a strict separation between the technocratic and political dimensions. The Commission technocratic character and ideological neutrality was an example of that. But the euro is another clear case. The euro seemed an ideal way to deepen European integration in the usual way: as a technocratic regime disciplining (but not replacing) national democracies. The governance regime emphasized this technocratic dimension of the project with a focus on the role of the European Central Bank and its insulation from political pressures. Economic and fiscal politics were, instead, left to the States. They were deprived of monetary policy but, for the rest, were only supposed to comply with certain limited rules. Fundamental dimensions of economic and fiscal policy were left outside euro governance. This was necessary so as to preserve the space for national politics. This separation has failed. We have found out that it is not possible to have a European Monetary Union fundamentally dependent on national politics.

¹ Paolo Ponzano, "[Intergovernmental method or community method: an irrelevant debate?](#)", *Policy Brief, No. 23, Notre Europe*, February 2011 and Philippe de Schoutheete, "[Decision-making in the Union](#)", *Policy Brief, No. 24, Notre Europe*, March 2011.

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This puts into crisis the broader separation between technocracy and politics in which the European project (and the Community method) has been based.

At the same time, however, the current crisis has also strengthened the Community method. Whenever politics seems to be incapable of effectively addressing the crisis, Member States, in a more or less transparent manner, make recourse to the Commission and other supra-national institutions (consider the growing role played by the ECB in addressing the crisis). As a consequence if, on the one hand, the Commission has lost part of its powers of political leadership to the Council, on the other hand, it has acquired significantly more powers with respect to the Member States under the fiscal compact and other fiscal crisis related legislation such as the six-pack. This risks putting the Commission in the impossible role of having to play a fundamentally political role at national level while deprived of any political legitimacy and authority at EU level.

My point is that the crisis of the Community method does not simply come from the increased importance of the intergovernmental method. It is linked and must be addressed in light of a broader challenge faced by the project of European integration regarding the nature of its political authority and its politics. The Community method is not worth supporting out of any Community fetishism or historical respect for its founding figures. It's worth saving or reforming if it will help the Union address the challenges of effectiveness and legitimacy that it faces. In other words, if it will help democratize the Union and increase its political authority. This requires European politics. As I have been arguing for some time now, a European democracy cannot fundamentally depend on national political spaces. Aside from making EU political authority too diffuse (and therefore ineffective), they are incapable of internalizing the consequences of European interdependence and also of producing the kind of cross-border politics that is required for a successful integrated polity.

2. The need for more politicised Union and Commission

My proposal to trigger European politics and, in the process, protect and reform the Community method, passes, in the first place, by "transforming" the elections to the European Parliament into an electoral competition for the government of Europe (as has also been argued by people such as Simon Hix). The most important step in this direction would be for the different European political groups to present competing candidates to the role of President of the Commission before the next election to the European Parliament (EP). The Treaties attribute to the European Council the power to propose the President of the European Commission but its subjection to approval by the European Parliament, and the electoral focus on the choice of a President, will make sure that the "winner" of the elections would be the selected President. This is similar to the situation in several Member States where the head of government is appointed by the head of State but following the result of the parliament elections.

The cohesion of the Commission will also be reinforced by the fact that the President elected will have much stronger bargaining power vis a vis the Member States in the selection of the other members of the Commission. One may even consider if the Commission should not fully reflect the political majority in the EP following the elections. Even if the Treaty states that the list of other members of the Commission to be proposed by the Council to the Parliament is based on suggestions by national governments (Article 17, para. 7, second subparagraph TEU), nothing in the Treaties requires or even suggests that they have to be affiliated or related to the political parties in power at national level. It would be possible, under the Treaties for all the members of the Commission to be suggested by national governments to have to be persons supporting the political program under which the President of the Commission has run for election. If anything, we can say that the link that is now established in the Treaties between the Commission and

the Parliament requires that to be the case. This does not put into question the obligation of independence to which the Commissioners are also subject under the Treaties (Article 17 para. 3 TEU). This independence must be interpreted as referring to independence from national governments and any other particular interests. The accountability of the Commission before the European Parliament, imposed by Article 17, para. 8 TEU, makes clear that the Commission is no longer supposed to be an independent technocratic body but a politically accountable one.

I am well aware of the risks with this approach. The politicization of the Commission is bound to affect its perceived neutrality and the authority it derives from being conceived as a semi-technocratic body. But the reality is that the latter authority is already under attack. The expansion of EU and Commission powers into the core of social and economic policy issues is bound to immerse the Commission in politics. The only question is the nature of this politics. As what is happening in some Member States is already making clear, the Commission will not succeed in preserving an appearance of technocratic neutrality in the face of deeply contested political issues. It will simply come across as a limit on democracy and politics. It will no longer be perceived as bringing reason into the passions of national politics but as passion without politics. In order for the Commission to exercise effectively and legitimately the role required by the new EU governance it will have to be embedded itself in a political space where the legitimacy of the reason that it will impose on States will gain the authority of political deliberation.

A first consequence of the transformation of EP elections into an electoral competition for the government of Europe will be the promotion of transnational politics. Once each European political group selects a candidate for President of the Commission they must also come up with a political platform or government program. It is obvious that such political platforms, in order to be agreed within that political group and to be successful in all Member States, will have to focus on genuinely European issues. Issues where citizens are not divided along national lines but across them. The simple need to come up with such European political platforms is bound to generate European politics. The election, itself, will finally be focused on European issues framed by the competing candidates and their alternative political platforms. Electoral participation is bound to increase in elections since, more than increasing the powers of the parliament or information campaigns, it is the possibility to choose a government and who would be heading it that is susceptible of mobilizing people.

The Commission and its President would not simply gain a stronger legitimacy. They would gain political capital. The EU political authority would also be reinforced. The link established between the election and a specific political platform would provide the Commission and Parliament with a strong political claim in the pursuit of the proposals contained in that platform. Just imagine how different the current discussion on the euro crisis might be if many of the proposals that the Commission has put forward would have been at the centre of an engaged and participated debate during the previous election and would have, in fact, been endorsed by the electoral outcome.

I am not arguing that national governments and the Council will become irrelevant in the politics of EU decision-making. Far from it, and they shouldn't. In fact, my idea is that they would play the role of veto players in the EU political system. But political leadership should be in the institutions embedded with European politics. As such, the system I propose is similar to the power dynamics that emerge in semi-presidential regimes. That is the reason for labelling it semi-federalism.